

## REMARKS

Applicants' reply to the Restriction Requirement, filed on December 16, 2004, indicated an election of Group III, claims 3, 5-7, 10, and 11, without traverse. Applicants wish to rescind the traversal, and instead to traverse the restriction requirement with respect to the Group I and III claims.

PCT Rule 13.1 states "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). In the present application, claims 1, 3, 5-7, 10, and 11 satisfy this requirement because they are so linked that they form a single general inventive concept.

Group I is drawn to claim 1, which is directed to a nucleic acid encoding rHuAFP operably linked to a milk specific promoter. Group III is drawn to claims 3, 5-7, 10, and 11, which are directed to a non-human transgenic mammal comprising and expressing a nucleic acid encoding rHuAFP operably linked to a milk specific promoter, milk isolated from the mammal, and a method of producing milk containing rHuAFP using the mammal. The nucleic acid encoding rHuAFP linked to a milk specific promoter is designed to function specifically in the mammary tissue of a non-human transgenic mammal. By itself, the nucleic acid of claim 1 has no function or utility; it cannot function in culture media, nor can it be inserted into commonly used biological expression systems, such as E. coli or CHO cells. The gene/promoter construct of claim 1 is designed to function (i.e., to promote expression of rHuAFP) uniquely in mammary tissue during the normal production of milk. Thus, expression of rHuAFP occurs exclusively in the mammary tissue of a non-human transgenic mammal containing the nucleic acid of claim 1 and only during normal lactation by the mammal. Accordingly, claims 1, 3-5, 7, 10, and 11 are linked as to form a single general inventive concept and should be examined together.

Applicants respectfully request that restriction Groups I and III be rejoined for examination. In the event that the Examiner does not agree, Applicants elect the invention of Group III, claims 3, 5-7, 10, and 11, with traverse.

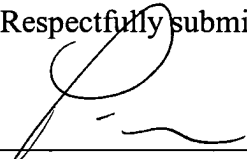
### CONCLUSION

Applicants note that a Petition for an extension of three months and the three month extension fee of \$510 was previously paid with the reply to Restriction Requirement filed on December 16, 2004. Therefore, enclosed with the present supplemental reply is a Petition to extend the period for replying for four months, to and including January 27, 2005, and, as required under 35 U.S.C. § 1.17(a), a check for \$285, which is the difference between the four month extension fee of \$795 and the three month extension fee of \$510.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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